

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 TYRONE PRATOR,)

12 Petitioner,)

13 vs.)

14 DWIGHT NEVEN, *et al.*,)

15 Respondents.)
16 _____/

2:10-cv-01209-JCM-VCF

ORDER

17 This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which
18 petitioner, a state prisoner, is proceeding *pro se*.

19 Petitioner moves the court to require respondents to produce the original cassette tape
20 recording from his disciplinary hearing. (ECF Nos. 16, 18.) Petitioner states that he is concerned
21 that the digital compact disc with the recording could be altered and that the transcript of the hearing
22 is inaccurate.

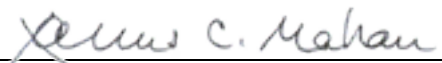
23 Respondents state that both a compact disc and a transcript were submitted to the
24 state district court but that only the transcript has been submitted to this court. Respondents argue
25 that petitioner waived any objection to the admission of the transcript or the compact disc because he
26 did not raise them in state court.

1 The court will require respondents to submit the compact disc recording of
2 petitioner's disciplinary hearing held March 1, 2009. Petitioner's concerns regarding the authenticity
3 of the recording, as captured on the compact disc, lack sufficient particularity to prompt this court to
4 require respondents to submit the original cassette tape at this time.

5 **IT IS THEREFORE ORDERED** that plaintiff's motion for the submission of the
6 original cassette tape (ECF No. 16) and motion for admission and/or order to show cause (ECF No.
7 19) are **DENIED**.

8 **IT IS FURTHER ORDERED** that respondents **SHALL** submit the recording of
9 petitioner's March 1, 2009 disciplinary hearing on compact disc to the court within **thirty (30) days**
10 of the date of this order.

11
12
13 DATED March 7, 2012.

14
15 
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26